



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**FEB 03 2014**

CERTIFIED MAIL 7012 1010 0001 8097 0252  
RETURN RECEIPT REQUESTED

City of Cape Coral  
Attn: Mr. Jeffrey Pearson  
Utilities Director  
P.O. Box 150027  
Cape Coral, Florida 33915-0027

Re: Notice of Violation  
City of Cape Coral  
National Pollutant Discharge Elimination System Permit No.: FL0030007  
Cape Coral Everest Parkway Wastewater Treatment Plant

Dear Mr. Pearson:

The purpose of this letter is to advise the City of Cape Coral (the City) that the United States Environmental Protection Agency Region 4 has reviewed the information submitted by the City on November 19, 2013, in response to the EPA's information request letter issued on September 26, 2013, pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318.

Based upon review of the information submitted, the EPA has determined that the City has violated the CWA as follows:

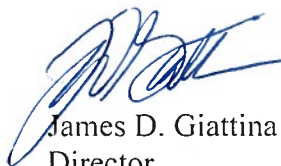
During the period from September 10, 2008, to October 10, 2013, the City had 4 Sanitary Sewer Overflows (SSOs) totaling 1,303,516 gallons of untreated sewage that discharged from the City's Wastewater Collection and Transmission System (WCTS) to navigable waters of the United States as defined by Section 502 of the CWA, 33 U.S.C. § 1362. The City also had an additional 25 SSOs totaling 40,960 gallons of untreated sewage, for a total of 29 SSOs that violated Section IX.7 of the City's National Pollutant Discharge Elimination System (NPDES) Permit, which requires proper operation and maintenance of the WCTS. Such SSOs were not authorized by an NPDES permit and therefore, are violations of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

The EPA has decided not to initiate an enforcement action at this time. However, based on the City's future progress in developing and implementing written Management, Operations and Maintenance (MOM) programs, continued rehabilitation of the WCTS and progress towards eliminating SSOs will determine if future EPA enforcement actions are warranted. The EPA will monitor the City's progress in developing and implementing MOM programs and WCTS rehabilitation over the next two years.

Until compliance with the CWA is achieved, the City is considered to be in violation of the CWA and subject to enforcement action pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. This Section provides for the issuance of administrative penalty and/or compliance orders and the initiation of civil and/or criminal actions.

If you have any questions regarding this Notice of Violation, please contact Ms. Sara Schiff, of my staff, at (404) 562-9870 or via email at [Schiff.Sara@epa.gov](mailto:Schiff.Sara@epa.gov), or you may address written correspondence to Ms. Sara Schiff at the above address on the letterhead.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Giattina', is written over the printed name.

James D. Giattina

Director

Water Protection Division

cc: Ms. Jessica Kleinfelter  
Florida Department of Environmental Protection

Mr. John Szerlag  
City of Cape Coral